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### REMARKS

In accordance with the forgoing, claims 1, 11 and 42 have been amended and new claims 55-57 have been added. Claims 1-8, 11-25, 28-33, 42-52 and 55-57 are pending and under consideration. The following remarks are respectfully submitted.

#### I. Rejections Under 35 USC § 102

Claims 1-8, 11-16, 20-25, 28-33 and 42-52 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,545,200 to West et al. ("West"). Applicants respectfully assert that the claims of the present invention are patentably distinct from West and the rejection is respectfully traversed.

The present invention is directed to a method and apparatus for imparting curves in an elongated medical instrument. As described, for example, at page 1, line 20-21, page 11, lines 20-26, and page 19, lines 1-5, although the invention is described in relation to leads, an elongated medical instrument could also include a catheter or a guide wire, and the principles of the invention could be readily implemented into any of those elongated medical instruments.

As set forth in independent claims 1, 11, 28 and 42, the elongated medical instrument includes an instrument body 12 having an instrument body proximal segment 18 which is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment 20 of the instrument body 12.

West teaches an elongated medical instrument that includes an instrument body 22 having a distal end 24 and a proximal end 26, with a deflectable tip 28 fixed to the distal end 24 of the instrument body 22 and a handle 38 secured to the proximal end of the instrument body. See column 8, lines 22-37. The distal tip may be deflected through manipulation of a manipulator wire 58 and a torquing core wire 72 by pulling on a slide 40 and a ring 42, respectively, located on the handle. Therefore, while West teaches

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deflating the distal end of the instrument body through manipulation of the handle, West does not teach an instrument body proximal segment that is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment of the instrument body, as set for in independent claims 1 and 11 of the present invention. \*

Nor does West teach an enlarged diameter proximal tension applying ring coupled to the instrument body proximal segment at a proximal site of the instrument body proximal segment, an enlarged diameter distal tension applying ring coupled to the instrument body proximal segment at a distal site of the instrument body proximal segment and separated from the proximal tension applying ring by a relaxed length of the instrument body proximal segment, and a hand-held tool having a first surface that engages the proximal tension applying ring and a second surface spaced from the first surface that engages the distal tension applying ring and a spanner extending between the first and second surfaces that can be manually adjusted to increase the spacing between the first and second surfaces to axially apply tension to and increase the length of the instrument body proximal segment, as set forth in independent claim 28, or tension applying means for selectively applying axial tension directly at the instrument body proximal section to stretch the instrument body proximal segment, as set forth in independent claim 42 of the present invention.

Therefore, independent claim 1 and claims 2-8 dependent thereon, independent claim 11 and claims 12-16 and 20 dependent thereon, independent claim 21 and claims 22-25 dependent thereon, independent claim 28 and claims 29-33 dependent thereon, and independent claim 42 and claims 43-52 dependent thereon are patentably distinguishable from West. Accordingly, it is respectfully requested that the rejection be withdrawn.

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**II. Rejections Under 35 USC § 103**

Claims 17-19 stand rejected under 35 USC § 103(a) as being unpatentable over West in view of U.S. Patent No. 5,824,031 to Cookston et al. ("Cookston"). The rejection is respectfully traversed.

Cookston teaches a terminal pin 12, connected at the proximal end 14 of an instrument body 16, that includes a retractable piston 32 having a distal knob 44 to facilitate longitudinal displacement of the distal knob within a cylindrical body 30. A wire 18 extends within the instrument body 16 and exits its proximal end 36 to be connected to the piston 32, so that longitudinal displacement of the piston applies tension to the wire 18 to deflect a distal tip 22 of the instrument body 16. See Column 6, line 9 to column 7, line 26, in reference to FIGS. 1-3 of Cookston.

Neither West nor Cookston, alone or in combination, teach or suggest an instrument body proximal segment that is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment of the instrument body, as set for in independent claim 11 of the present invention. Therefore, independent claim 11 and claims 17-19 dependent thereon are patentable distinguishable from West and Cookston. Accordingly, it is respectfully requested that the rejection be withdrawn.

**III. Changes to the Drawings**

Applicants submit herewith a proposed replacement drawing sheet amending FIG. 3. In particular, the replacement drawing sheet amends FIG. 3 to change inadvertently mislabeled reference numeral "56", indicating a distal attachment point for attaching the pull wire 50 at the distal segment 20, as described at page 13, lines 17-21, for example, to reference numeral "58". No new matter has been added.

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**IV. New Claims Added**

New claims 55-57 have been added. Support for the new claims can be found, for example, at page 14, line 7 to page 15, line 25. No new matter has been added. Entry and allowance of the new claims is respectfully requested.

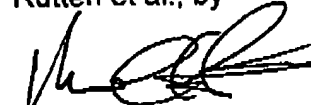
**V. Conclusion**

There being no further outstanding objections or rejections, it is submitted that the claims of the present application are in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Rutten et al., by



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